



UNIVERSITY OF  
**TORONTO**  
FACULTY OF LAW



# INTRODUCTION TO ENVIRONMENTAL LAW

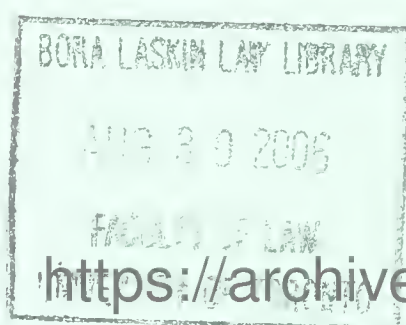
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Volume 1

Prof. Andrew Green



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# ENVIRONMENTAL LAW

FALL 2006

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**Class:** Thursday, 2:10-4 pm  
FA2

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## **Course Requirements:**

Research Paper: 80%

The paper of not more than 20 (double spaced) pages can deal with any issue related to a topic covered in the course.

Class Participation: 20%

The class participation mark will be based on three 2 (double spaced) page comments on the current week's readings. The comments must be emailed to me on TWEN by 10 am on the day of the class. The comment should consist of your analysis of one or all of the readings for the class. It should not be a summary of the readings.

## **Readings:**

Two volume *Introduction to Environmental Law* casebook available at the Faculty of Law bookstore.

## Course Outline and Readings:

### I THE PROBLEM AND APPROACHES

- D. Boyd, *Unnatural Law: Rethinking Canadian Environmental Law and Policy* (Vancouver: UBC Press, 2003), Ch. 1: “Canada’s Environmental Record .....1
- G. Hardin, “The Tragedy of the Commons” (1968) 162 *Science* 1243 [Excerpt].....7
- R. Coase, *The Firm, The Market, and The Law* (Chicago: University of Chicago Press, 1988), Ch. 5: “The Problem of Social Cost” [pp. 95-104, 114-119].....10
- Aldo Leopold, *A Sand County Almanac* (New York: Oxford University Press, 1966) [pp. 217- 241].....19
- C. Stone, “Should Trees have Standing? – Towards Legal Rights for Natural Objects” (1972) 45 *Southern Cal. L.R.* 450 [Title page, pp. 458-481].....32
- C. Giagnocavo and H. Goldstein, “Law Reform or World Re-form: The Problem of Environmental Rights” (1990) 35 *McGill L.J.* 345 [pp. 375-386].....45
- “Taking Stock: 2002 North American Pollutant Releases and Transfers”, Commission for Environmental Cooperation of North America. [pp. 106-111, 121-123].....52

### II COMMON LAW: VALUING THE ENVIRONMENT AND CLASS ACTIONS

- J. Benedickson, *Environmental Law (2d)* (Toronto: Irwin Law, 2002), Ch. 5: “Civil Liability for Environmental Harm”.....61
- British Columbia v. Canadian Forest Products Ltd.*, 2004 SCC 38 [Excerpt].....70
- F. Ackerman and L. Heinzerling, *Priceless* (New York: The New Press, 2004) [pp. 153-165].....86

#### *Class Actions*

- Hollick v. Toronto (City)* (2001), 42 C.E.L.R. (N.S.) 26 (S.C.C.).....93
- Pearson v. Inco Ltd.* (2004), 44 C.P.C. (5<sup>th</sup>) 276 (Ont. Sup. Ct. J., Div. Ct.).....103
- Pearson v. Inco Ltd.* (2006), 2006 CarswellOnt 1527 (Ont. C.A.).....110
- Pearson v. Inco Ltd.* (2005), 18 C.P.C. (6<sup>th</sup>) 77 (Ont. C.A. – additional reasons).....127

### III CONSTITUTIONAL JURISDICTION

#### *Theory*

R. Revesz and R. Stavins, “Environmental Law and Policy” for A.M. Polinsky and S. Shavell, eds., *The Handbook of Law and Economics* (Amsterdam: North-Holland/Elsevier Science, 2004) [pp. 56-61].....132

D. Esty, “Revitalizing Environmental Federalism” (1996) 95(3) Mich. L.R. 570 [Excerpts].....138

#### *Federal/Provincial Relations*

Harrison, “Federal-Provincial Relations and the Environment: Unilateralism, Collaboration and Rationalization” in D. VanNijnatten and R. Boardman, eds., *Canadian Environmental Policy: Context and Cases* (Toronto: Oxford University Press, 2001), p. 123.....144

*R. v. Crown Zellerbach Canada Ltd.* (1988), 49 D.L.R. (4<sup>th</sup>) 161 (S.C.C.) [pp. 161-77, 183-89, 193-196, 200-4].....151

*R. v. Hydro Quebec* (1997), 151 D.L.R. (4<sup>th</sup>) 32 (S.C.C.) [pp. 32-36, 43-44, 56-61, 63-64, 67-69, 71-76, 77-79, 96-102, 113-6].....170

#### *Local Government*

*114957 Canada Ltee. v. Hudson (Town)* (2001), 200 D.L.R. (4<sup>th</sup>) 419 [pp. 419-27, 432-445].....195

#### *Aboriginal*

T. McClenaghan, “Why Should Aboriginal Peoples Exercise Governance Over Environmental Issues” (2002) 51 UNB LJ 211.....207

*Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73.....218

### IV REGULATIONS: CBA V. THE PRECAUTIONARY PRINCIPLE

J. Benedickson, *Environmental Law (2d)* (Toronto: Irwin Law, 2002), Ch. 6: “Environmental Regulations and Approvals”.....237

K. Arrow, et al., “Is There a Role for Benefit-Cost Analysis in Environmental, Health, and Safety Regulation?” (1996) 272 Science 221.....246

F. Ackerman and L. Heinzerling, <i>Priceless</i> (New York: The New Press, 2004) [pp. 35-40; 66-75].....	248
C. Sunstein, <i>Risk and Reason</i> (Cambridge: Cambridge University Press, 2002), Ch. 5: “Reducing Risks Rationally” [pp. 99-113, 120-132].....	257
D. Dana, “A Behavioral Economic Defense of the Precautionary Principle” (2003) 97 Nw. U.L.R. 1315 [pp.1315-1320, 1327-1335].....	272
External Advisory Committee on Smart Regulation, <i>Smart Regulation: A Regulatory Strategy for Canada</i> (September 2004) p 14-15, 34-55.....	287

## **V      ENFORCEMENT: FROM PROSECUTIONS TO THE NEW ADMINISTRATIVE PENALTIES**

ECO, <i>Annual Report 2000/02</i> , [Excerpts].....	311
<i>Fletcher v. Kingston (City)</i> (1998), 28 C.E.L.R. (N.S.) 229 (Prov. Div.) [paras. 1-22] .....	320
<i>Fletcher v. Kingston (City)</i> 2004 CarswellOnt 1860 (Ont. C.A.).....	325
<i>R. v. Inco</i> (2001), 54 O.R. (3d) 495.....	342
<i>R. v. Imperial Oil</i> (2000), 36 C.E.L.R. (N.S.) 109 (B.C.C.A.).....	353
<i>R. v. Bata Industries Ltd.</i> (1992), 9 O.R.(3d) 329 (Prov. Div.).....	359
<i>R. v. Bata Industries Ltd</i> (1995), 25 O.R. (3d) 321 (C.A.).....	367
<i>Bill 133 Environmental Enforcement Statute Law Amendment Act</i> , S.O. 2005, c. 12, ss. 1(1)-(6), (27) and (52)-(66).....	373

## **VI      PUBLIC PARTICIPATION**

C. Sunstein, <i>Risk and Reason</i> (Cambridge: Cambridge University Press, 2002), Ch. 4: “This Month’s Risk”.....	381
 <i>Judicial Review</i>	
<i>Algonquin Wildlands League v. Ontario (MNR)</i> (1996), 21 C.E.L.R. (NS) 102 (Ont. Ct. J., Gen. Div.).....	392

*Sierra Club of Canada v. Canada (Minister of Finance)* (1998), 13 Admin. L.R. (3d) 280 (Fed. Ct., Trial Div.).....**395**

*Canadian Parks & Wilderness Society v. Superintendent of Banff National Park* (1993), 23 Admin. L.R. (2d) 6 (Fed. Ct., Trial Div.).....**408**

*Caddy Lake Cottagers Assn. v. Florence-Nora Access Road Inc.* (1998), 26 C.E.L.R. (N.S.) 322 (Man. C.A.).....**415**

*Friends of Point Pleasant Park v. Canada (Attorney General)* (2000), 38 C.E.L.R. (N.S.) 45 (Fed. Ct., Trial Div.).....**417**

### ***Approvals and Orders***

J. Benedickson, *Environmental Law (2d)* (Toronto: Irwin Law, 2002), Ch. 7: “Administrative Compliance Mechanisms”.....**426**

ECO Report, *The EBR Litigation Rights: A Survey of Issues and Six Year Review* (Background Paper for EBR Litigation Rights Workshop, 2000) [pp. 1-12].....**434**

*Grey County, Town of Blue Mountains, Municipality of Grey Highlands v. Director, Minister of Environment*, Ontario Environmental Review Tribunal (Jerry DeMarco)...**446**

### ***Policy Decisions: The New Clean Water Act***

Bill 43 2005: An Act to Protect Existing and Future Sources of drinking water.....**463**

Notice for Proposal for Regulations for Bill 43 (see #1).....**487**

O’Connor Commission Report.....**490**



VOLUME 2

VII ENVIRONMENTAL ASSESSMENT

*Canadian Environmental Assessment Act*, S.C. 1992, c. 37, ss. 1-8, 11-40.....1

Canadian Environmental Assessment Agency, “Basics of Environmental Assessment”,  
www.ceaa-acee.gc.ca/010/basics\_e.htm.....38

*Citizens’ Mining Council of Newfoundland and Labrador Inc. v. Canada (Minister of Environment)* [1999] F.C.J. No. 273 (Fed. Ct., Trial Div.) [Excerpts].....49

*Friends of the West Country Assn. v. Canada (Minister of Fisheries and Oceans)* [2000] 2 F.C. 263 (C.A.).....60.

*Bow Valley Naturalists Society v. Canada (Minister of Canadian Heritage)* [2001] 2 F.C. 461 (C.A.).....79

*Inverhuron & District Ratepayers’ Assn. v. Canada (Minister of the Environment)* [2001] F.C.J. No. 1008 (C.A.).....108

*Prairie Acid Rain Coalition v. Canada (Minister of Fisheries & Oceans)* (FC).....124

*Prairie Acid Rain Coalition v. Canada (Minister of Fisheries & Oceans)* (FCA).....129

Ministry of the Environment (Ontario), Backgrounder Information: “Ontario’s Environmental Assessment Proecss: A Primer,” 6 June 2006.....137

Ministry of the Environment (Ontario), Backgrounder Information: “Improving the Environmental Assessment Process,” 6 June 2006.....139

VIII ECONOMIC INSTRUMENTS AND VOLUNTARY MEASURES: CANADA’S CLIMATE CHANGE PLAN

*Command and Control v. Economic Instruments*

B. Ackerman and R. Stewart, Reforming Environmental Law” (1985) 37 Stan. L.R. 1333. [pp. 1333-1341].....140

R. Revesz and R. Stavins, “Environmental Law and Policy (Draft Chapter)” for A.M. Polinsky and S. Shavell, eds., *The Handbook of Law and Economics* (Amsterdam: North-Holland/Elsevier Science, 2004) [pp. 50-54].....145

Carol Rose, “Rethinking Environmental Controls: Management Strategies for Common Resources” (1991) Duke L.J. 1.....150



GOC, Project Green, *Moving Forward on Climate Change: A Plan For Honouring our Kyoto Commitment* (2005).....163

Bill C-288, 1<sup>st</sup> Session, 39<sup>th</sup> Parliament, 55 Elizabeth II, 2006, Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol.....212

Matthew Bramley, Clare Demerse, Backgrounder: “Climate Change, Kyoto and the New Federal Government: Concerns and Expectations,” (12 April 2006), Pembina Institute.....216

Honourable Rona Ambrose, Minister of the Environment, “A Breath of Fresh Air: Made in Canada Solutions to Meet Canada’s Environmental Challenges,” (Address presented to Globe 2006, Vancouver, BC, 31 March 2006).....220

R. Posner, *Catastrophe: Risk and Response* [2004: OUP] (pp.155-165).....222

### ***Voluntary Mechanisms***

K. Harrison, “Voluntarism and Environmental Governance” in E. Parson, ed. *Governing the Environment: Persistent Challenges, Uncertain Innovations* (Toronto: University of Toronto Press, 2001) (excerpts).....228

C. Coglianese, “Is Consensus an Appropriate Basis for Regulatory Policy?” in E. Orts and K. Deketelaere, eds., *Environmental Contracts: Comparative Approaches to Regulatory Innovation in the United States and Europe* (London: Kluwer Law International, 2001).....230

### ***Green Consumerism***

K. Harrison and W. Antweiler, “Toxic Release Inventories and Green Consumerism: Empirical Evidence from Canada” (2003) 36(2) *Canadian J. Economics* 495 [pp. 495-500, 518-519].....239

C. Sunstein, *Risk and Reason* (Cambridge: Cambridge University Press, 2002), Ch. 10: “Tools” [pp. 251-269].....246

### ***Marketable Permits***

R. Stavins, “Market-Based Environmental Policies: What Can We Learn from U.S. Experience (and Related Research)” (July 2, 2003).....256

L. Heinzerling, “Selling Pollution, Forcing Democracy” (1995) 14 *Stan.Env.L.J.* 300.....274

K. Wyman, “Why Regulators Turn to Tradeable Permits: A Canadian Case Study” (2002) 52 U.T.L.J. 419 [pp. 419-426, 487-502].....	286
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## IX SUSTAINABLE DEVELOPMENT AND ENERGY

Ontario Power Authority, <i>Supply Mix Summary</i> , OPA Website [Complete information] – Part 1-1 (Supply Mix Summary), 1-2 (Supply Mix Advice and Recommendations)....	293
Robert W. Morrison, “Energy Policy and Sustainable Development,” in G. Bruce Doern, ed., <i>Canadian Energy Policy and the Struggle for Sustainable Development</i> , (Toronto: 2005 University of Toronto Press): 883-104.....	329
Donald N. Dewees, “Electricity Restructuring in Canada,” in G. Bruce Doern, ed., <i>Canadian Energy Policy and the Struggle for Sustainable Development</i> , (Toronto: 2005 University of Toronto Press): 128-150.....	341
Kenneth Green, Jeremy Brown, “Shutting Down Ontario’s Coal-Fired Power Plants,” <i>Fraser Forum</i> (Vancouver: March 2005, The Fraser Institute): p.20-21.....	353
DSS Management Consultants Inc., RWDI Air Inc., <i>Cost Benefit Analysis: Replacing Ontario’s Coal-Fired Electricity Generation</i> , prepared for Ontario Ministry of Energy, April 2005. [Exec Summary].....	354
Ontario Ministry of Environment Power Generation Breakdown [ <a href="http://www.energy.gov.on.ca/index.cfm?fuseaction=english.electricity">http://www.energy.gov.on.ca/index.cfm?fuseaction=english.electricity</a> ].....	359
Mark S. Winfield, <i>The Ontario Power Authority Supply Mix Report: A Review and Response</i> , (Toronto: February 2006, Pembina Institute) [ <a href="http://www.pembina.org">www.pembina.org</a> ].....	360
Letter from Dwight Duncan, Minister of Energy (Ontario) to Dr. Jan Carr, Chief Executive Officer, Ontario Power Authority (13 June 2006) re: Integrated Power System Plan.....	369
Letter from Paul Muldoon, Theresa McClenaghan, Richard Lindgren, CELA to Mark Winfield, Pembina Institute and David Martin, Greenpeace Canada (27 February 2006) re. applicability of Ontario’s <i>Environmental Assessment Act</i> to Ontario’s Integrated Power System Plan.....	371
Ontario Regulation 276/06, <i>Environmental Assessment Act</i> , “Designation and Exemption of Integrated Power System Plan.....	380
Information Notice explaining Ontario Regulation 276/06.....	382

## **X      ENDANGERED SPECIES**

<i>Endangered Species Act</i> , R.S.O. 1990, Chapter E.15.....	<b>384</b>
<i>Species at Risk Act</i> (Canada), 2002, c. 29.....	<b>385</b>
<i>Next Stop, Extinction: A Report Card on the Failure of Canadian governments to save endangered species</i> , Environmental Defence Canada, April 2004. (exec sum , intro)...	<b>414</b>
Brenda Heelan Powell, “A Comment by the Environmental Law Centre on the Use of Compensation Under the Proposed Species at Risk Act, <i>Journal of Environmental Law and Practice</i> , 10 (2000): 283-284.....	<b>416</b>
H. Ian Rounthwaite, “A Theory of Compensation Under the Species at Risk Act Bill C-5,” <i>Journal of Environmental Law and Practice</i> , 10 (2000): 259-281 .....	<b>418</b>
Discussion paper on proposed Species at Risk legislation, <i>Towards Better Protection of Species at Risk in Ontario</i> , Ontario Ministry of Environment, May 2006.....	<b>432</b>
Ontario Ministry of Natural Resources, Questionnaire: “Consultation on Proposed Legislative Changes Regarding Species at Risk in Ontario” (9 May 2006).....	<b>450</b>

## **XI      WHERE NOW?**

James Gustave Speth, <i>Red Sky at Morning</i> (Yale University Press 2004) [pp. 191-201].....	<b>464</b>
T. Anderson and D. Leal, <i>Free Market Environmentalism</i> (New York: Palgrave, 2001) [pp. 1-8].....	<b>470</b>
R. Stewart, “A New Generation Of Environmental Regulation?” (2001), 29 Cap. U. L. Rev. 21 [pp. 151-182].....	<b>475</b>
M. Shellenberger and T. Nordhaus, “The Death of Environmentalism: Global Warming Politics in a post-environmental world” (released at an October 2004 meeting of the Environmental Grantmakers Association).....	<b>491</b>

